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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,055	01/12/2004	Chi-Fu Lin	T-1289	1718
802	7590	01/30/2006		
DELLETT & WALTERS P. O. BOX 82788 PORTLAND, OR 97282-0788			EXAMINER GRAYSAY, TAMARA L	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/756,055	Applicant(s) LIN, CHI-FU	
	Examiner Tamara L. Graysay	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

NOTE: The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Tseng (US-6302614).

a. Claim 1: The term hiking in the preamble is a statement of intended use that does not structurally define over Tseng which discloses an adjustable stick comprising:

i. a telescopic stick (1) having a top end (top of FIG. 1), a bottom end (bottom of FIG. 1), and multiple interconnected sections (1) where adjacent

sections are connected at a joint (depicted in detailed FIG. 5-7) and the joint comprises:

- (1) a large outside section (e.g., upper shaft 1 in FIG. 6) having an outside end adjacent reference character 22 in FIG. 6) and an interior surface (unnumbered);
 - (2) a smaller inside section (e.g., lower shaft 1 in FIG. 6) slidably inserted into the outside section and having an inside end (top end 12 of lower shaft 1) and an exterior surface (unnumbered);
 - (3) a locking mechanism (connector 2) mounted at the inside end (12) of the inside section (lower shaft 1) to lock the inside section with the outside section in position (3:2-10);
 - (4) an end sleeve (31, 11, 111 in FIG. 6) attached around the outside end of the outside section (the upper shaft section 11, 111 is attached at the “outside” surface of the end, as broadly recited) and having a stop (neck 111); and
 - (5) a slide limit device (collar 22) formed adjacent to the inside end of the inside section to abut the stop (neck 111) to keep the inside section from being pulled completely out of the outside section (2:51-55).
- ii. a grip (unnumbered) attached to the top end (see FIG. 1) of the telescopic tube (1).

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- b. Claim 2: Tseng discloses the stop (neck 111) is an annular lip formed and protruded inward relative to the interior surface of the outside section (see FIG. 5-7).
- c. Claim 4: Tseng discloses the slide limit device (collar 22) comprises a protruding ring (collar 22) formed on and protruded from the exterior surface [of the slide limit device] (see FIG. 6) adjacent to the inside end (top end of lower shaft 12) of the inside section (lower shaft 1).
- d. Claim 5: Tseng discloses the locking mechanism (connector 2) comprises a stationary end plug (232, 233, 23, 21) attached to the inside end (12) of the inside section (top end 12 of lower shaft 1) and having a disk (collar 22) abutting the inside end (12) of the inside section (lower shaft 1) and having an edge flush with the exterior surface of the inside section (exterior diameter of portion 21).
- e. Claim 6: Tseng discloses a “tip” as broadly recited insofar as the club head (unnumbered) at the bottom of telescopic tubes (see FIG. 1) is a tip distinguishable from the telescopic tubes. The claimed “tip” does not structurally define over the “tip” of Tseng.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng (US-6302614) in view of Sandor (US-3467415).

Tseng discloses a slide limit device (collar 22) that projects from an exterior surface adjacent to the inside end (12) of the inside section (lower shaft 1). However, Tseng lacks a slide limit device comprising four ribs formed annularly on and protruded from the exterior surface adjacent to the inside end of the inside section.

Sandor teaches a slide limit devices (32, 16) that is interrupted, i.e., extends partially around the inside section (10, 12), and is formed annularly on and protruded from the exterior surface of an inside section to limit the telescopic movement of two tubular members.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the full annular slide limit device (collar 12) of Tseng to include one or more ribs, such as suggested by the partial annular member of Sandor. Such an arrangement would have been within the level of ordinary skill in the art insofar as the modification would save material costs as well as reduce the likelihood of the inside section of Tseng from jamming due to an imperfection on the full annular collar. Whether the collar was made of one ring or a plurality, i.e., four, ribs, would have been a

matter of design choice that is within the level of ordinary skill in the art in order to save material costs and to reduce the likelihood of the telescopic sections jamming.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Crain (US-6688012) teaches (9:13-39) when the first and second pole sections are assembled, shoulders 96A and 100 engage if the second pole section is extended from the first pole section to prevent withdrawal of the second pole section from the first pole section. The lower end 96 has slits to enable forceable release of the two pole sections.
- Evans (US-6602015) teaches (4:26-33) a detent 52 engages the stop of the end sleeve (seal 48) to keep the inside section from being pulled out of the outside section.
- Sumida (US-6273112) teaches an telescoping walking stick having a grip 4 on one end and a tip 15 on the opposite end; a slide limit device 7 that engages a stop 6 attached to the exterior surface of the outer section 1 and the slide limit device 7 engages the inner surface of the outer section (see FIG. 1).
- Dinardo (US-5908214) teaches (FIG. 3, 4) a separate annular extension ring (30) on an inner tube (A) to abut an inwardly formed sleeve and stop (22, 24) portion of an outer tube (B). The ring partially surrounds the inner tube.
- Levi (US-5549407) teaches (3:43-50) an annular ring 22 cooperates with stop 80 to keep the tubes from separating.


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- Gingras (US-3762704) teaches (2:40-47) a toy having an internal end protuberance 22 and beads 25 that prevent separation unless slipping an inner tube past a larger tube.
- Polansky (US-1707019) teaches (FIG. 4) an annular ring 17 on the outer surface of the inner tube 15 engages inwardly extended stop 17 at the end of the outer tube 16.
- Cooke (US-1109513) teaches telescoping members having a slide limit device 15 that engages a stop 14 an end sleeve 13 extending at 12 to the outer surface of the outer section 8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo, can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 1/18/06
Tamara L. Graysay
Examiner
Art Unit 3636

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